

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jeffrey L. CLELAND et al.

Application No.: 10/080,502

Confirmation No.: 8669

Filed: February 22, 2002

Art Unit: 1615

For: ERODIBLE POLYMERS FOR INJECTION

Examiner: C. Azpuru

STATEMENT OF SUBSTANCE OF INTERVIEW

MS AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Communication constitutes Applicant's Statement of the Substance of the Interview held January 13, 2010. The Interview Summary (Paper No. 20100113) was mailed March 22, 2010. Accordingly, this Statement is timely filed.

Telephonic Interview

Applicants thank Examiner Carlos A. Azpuru for the courtesy of an interview on January 13, 2010 with Rebecca Shortle, representative of the Applicants. The subject of the telephonic interview was the Final Office Action mailed December 9, 2009. It was agreed that the Brodeck et al reference did not teach the claimed viscosity. The Examiner indicated that without a secondary reference to suggest this adjustment, the Brodeck et al reference could not be properly maintained to reject the claims under 35 USC 103(a). Therefore unless a secondary reference was found, the Examiner agreed that the rejection under 35 USC 103(a) over Brodeck et al would be withdrawn. It was further agreed that Applicants have support for the claimed amendments to the claims. It was agreed that the Examiner would review the claims in order to correct inconsistencies in the number of pending claims. Additionally, it was Applicants' understanding that in view of the prosecution history, it was agreed that the finality of the Office Action mailed December 9, 2009 would be withdrawn, and that the Examiner would be doing an additional search for a secondary reference for Brodeck et al, and would subsequently either issue a new Office Action or a Notice of Allowance.

No fee is believed to be necessary for the present filing. In the unlikely event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **146392000500**.

Dated: April 22, 2010

Respectfully submitted,

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